

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF**

77-7010 *original*

In The
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

* * - - - - -X

ELLIE MARTELL,

Appellant,

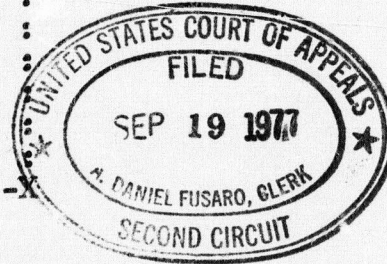
v.

CBS, Inc., WCBS AM RADIO
STATION, New York, N. Y.,

Appellee.

- - - - -X

Case No. 77-7010



BPL/s

BRIEF FOR THE APPELLANT
ELLIE MARTELL

September 1977

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ELLIE MARTELL,
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v.
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STATION, New York, N. Y.
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 ARGUMENT		
I.	Judge Owen's citation in his Memorandum/Order dated November 18, 1976 relying upon Morrison v. National Broadcasting Company Inc. 19 NY 2d 453 (1967) is not applicable because plaintiff Martell is not seeking recovery for damages to her reputation.	
II.	Judge Owen's Order of Nov. 18, 1976 is inconsistent with Horstein v. General Motors Corp. 391 F. Supp. 1274, D.C.N.Y. 1975.	
III.	When access was permitted to CBS to answer Martell's allegations in Court, CBS chose not to answer, nor to contradict them (re: FCC's Personal Attack Rule 73-123).	
IV.	CBS showed "fault" when it violated FCC's Personal Attack Rules, in addition to practicing "journalistic negligence," (not denied by CBS).	
V.	Martell listed examples of injuries suffered which might be compensated consistently with the U. S. Constitution upon a showing of fault pursuant to Time Inc. v. Firestone, 96 S. Ct.	
VI.	Judge Owen's dismissal was inconsistent with Martell's rights to due process guaranteed under the U. S. Constitution. She was not permitted to exercise her Discovery Rights and no hearing was held on the merits of her Complaint, nor was there any consideration of any of the substantial Federal questions raised by Martell.	

(more)

Cont'd
ARGUMENT

- VII. The press is the servant, not the master of the citizenry, and its freedom does not carry with it an unrestricted hunting license to prey on the ordinary citizen. (Mr. Justice White, concurring S.Ct. 1974 418 U.S. 241, 94 S.Ct. 2831, 41 L.Ed. 2d 730).
- VIII. Judge Owen's Order disregards the minimum requirements of the U.S. Constitution's Due Process Mandate. He shut his eyes and ears to substantial Federal questions. He also failed to consider Martell's Constitutional Rights to Liberty of Contract, Liberty of Rights to Personal Security, Private Property, Freedom from Restraint, Right to Protection of the Laws against evils which menace health, safety, morals and the welfare of the people, Freedom of Association, Liberty to Travel, Freedom of locomotion or movement, Right to earn a livelihood in any lawful calling, Right to live and work where one will, etc.
- IX. An Expert American Medical Assn. study proves damages most severe. 12.13
.....

RELIEF REQUESTED OF THE COURT

...

ISSUES PRESENTED

1. Whether CBS's flagrant violation of Federal Law (Communications Act), Personal Attack Rule FCC 73-123, represents "fault" within the meaning of Gertz v. Robert Welch, S.Ct. 1974.

2. Whether failure of CBS to serve Martell with a transcript of its personal attack on her (not contradicted by CBS in any respect) and following her repeated, urgent requests to WCBS news executives, was consistent with CBS's licensing agreement with FCC.

3. Whether CBS is licensed to choose and broadcast from among several conceivable news interpretations, the one most damaging to Martell.

4. Whether CBS has some responsibility to exercise prudent care and establish that the "news" story was factually correct.

5. Whether Martell is entitled to an Evidentiary hearing necessary for exercise of her due process rights.

6. Whether Judge Owen's Order for Dismissal was consistent with Martell's Rights guaranteed under the U. S. Constitution including Due Process, liberty of contracts, rights of private property, personal security, freedom of association, etc.

7. Whether said Order was arbitrary and unreasonable with respect to denial of Martell's timely request of June 17, 1976 to file a Brief and denial of her "Petition for Reconsideration" filed June 21, 1976

cont'd
Issues Presented

plus denial of her request for re-argument, with knowledge of the unusual inequity of resources of the parties and Martell operating under conditions of severe economic hardship and with Martell's major case for appeal of an AT&T phone rate increase running concurrently in the United States Court of Appeals, District of Columbia 76-1301 with critical deadlines to meet out of town.

8. Whether defamation is the only compensable injury relating to a falsehood published or broadcast about an ordinary citizen, such as Martell.

9. Whether the Order disregarded Martell's Discovery Rights for purposes of determining whether CBS's assault, with likelihood of escalation, without her culpability...upon her rights, property and health...was the result of a "news" judgment, or linked with a commercial advertising contract for CBS from a major advertiser AT&T which spent \$4.8 Million in radio spot commercials in 1970 (attached as Exhibit _ _ _) and which advertiser regarded Martell as "a longtime thorn in Ma Bell's side" or whether private self-gain for a CBS employee or executive was involved.

10. Whether an ordinary citizen such as Martell having been severely damaged suffering partial loss of health and her livelihood as a direct result of CBS's "journalistic negligence" and violations of Federal Law and directly forced to delay filing suit against CBS

cont'd
Issues Presented

although eager to seek justice in the Courts (there being no justice possible when CBS is making judgments) and her delayed suit being directly caused by CBS's actions taken against her and so impoverished by them so as not to be able to afford even out-of-pocket costs...should be doubly penalized by dismissal due to it being judged "time-barred" on excessively narrow grounds, restricted to New York State questions and with eyes and ears shut to major Federal questions involved here.

11. Whether there is a Constitutional constraint against allowing recovery on injuries other than defamation... upon competent proof of "journalistic negligence" or violations of Federal Law or other fault...such as mental pain, suffering, personal humiliation, mental anguish over a long period, etc. pursuant to Time Inc. v. Firestone S.Ct.)

12. Whether CBS has a fiduciary duty to exercise its protected rights responsibly.

13. Whether Martell is entitled to due process toward a compensatory award to be supported by competent evidence concerning substantial injuries to her rights, property and health, together with an injunction to prevent potential injury, because of her being powerless to protect herself from escalated assault by CBS.

STATEMENT OF THE CASE

Ellie Martell is a consumer representative, consultant, utility rate/regulations consultant, author, publisher of booklets, sponsor of educational seminars, women's workshops and originator of a unique training program to train disadvantaged youths as Communications Executives, and phone-bill "auditors."

Martell's major New York State activities on or about April 29/30 1971 included writing an update, preparing and publishing a revised "Telephone First Aid," distribution of the booklet including (a) What really was at the bottom of New York Telephone's unprecedented SERVICE CRISIS in New York City, (b) Explanations by AT&T's top officer John D. deButts to the FCC given in Washington, D. C. under oath and omitted from almost every published newspaper and magazine article seen by Martell who collected them, (c) What to do until the Phone Repairman Comes?, (d) What to do if he doesn't show up?, etc.

Martell had several huge, oversized plastic, lawn-leaf bags filled with orders and requests from the public for a copy of her booklet, "Telephone First Aid" which she was preparing to mail out to them. Following CBS's Personal Attack on her and the shock suffered she became incapacitated, and severely injured directly due to WCBS's injurious broadcast which immediately resulted in a loss of all of her contracts and livelihood, which

directly
~~in turn~~ caused her to default on her agreement with her printer from whom she could not recover her original "mechanicals" and only copy she had for the printing of her booklet, "Telephone First Aid"

Thus with numerous ORDERS to mail copies of "Telephone First Aid" to customers, WCBS's negligence prevented her from delivering her Mail Orders.

Thus CBS which does not have a monopoly on Freedom of Press protections, did directly impose an unlawful prior restraint upon Martell's own Freedom of Press Rights.

The Prior Restraint imposed upon Martell by CBS, by definition, had an immediate and irreversible sanction because of the "freeze" on Martell's Free Speech. The DAMAGE WAS PARTICULARLY GREAT (within the meaning of Nebraska Press Ass'n v. Stuart, U.S. Supreme Court 1976, 96 S.Ct. 2791) ~~because~~ when the prior restraint falls upon the communication of news and commentary on current events. Truthful reports of public judicial proceedings have been afforded special protection against subsequent punishment (Cox Broadcasting Corp. v. Cohn, 420 U.S. 1975). The extraordinary protections afforded by the First Amendment carry with them something in the nature of a fiduciary duty to exercise the protected rights responsibly.... The multimillion dollar, big business communications conglomerates such as CBS were given no greater Constitutional protection than the smallest publisher such as Martell of a booklet of vital public interest.

On or about April 30, 1971, Martell was actively participating in two major rate/regulation cases relating to New York Telephone Co. in New York State. In addition to defending her own phone bill against unreasonable rate increases and phone service against continued breakdowns in New York City's vital communications, Martell was performing a professional representative role as an advocate in the highest tradition of quasi-judicial regulation and practice.

Following the incapacitating negligence practiced by CBS which caused Martell prolonged suffering mental anguish and other injuries, she felt unable to actively participate in Case 26080 and 25290 as she had very actively and diligently in Case 25155, and thereby fully exercise her due process rights in defense of her own phone rate overcharges, as she fully wished to do planned to do and publicly pledged to do.

Martell was struck down by CBS while in the midst of feverish activity as described above. She had also mailed offerings to business consumers to attend very successful Executive Seminars on "How to Save on the Corporate Phone Bill" and she suffered substantial damages having to withdraw her offer directly due to CBS's negligence causing her injury.

She was also conducting a study of payment vouchers of New York Telephone Co. in its offices by special permission of the NY PSC, which she was forced to default on (which overjoyed NY Telco lawyers).

Most immediately urgent, however, was Martell's daily livelihood which fueled the projects which were all self-funded.

Martell did not charge fees to represent Harlem Consumer Education Council and the Consumer Assembly of Greater New York at Public Service Commission public hearings, and to prepare testimony for public witnesses, exhibits, etc. in these rate cases.

Therefore, when as a direct result of CBS's journalistic negligence she abruptly lost her livelihood, she likewise defaulted on her promises to actively aid these very public spirited groups whose leaders relied upon her to honor their own commitments to their boards.

Her personal humiliation, having defaulted, was extreme and prolonged, and incapacitating.

After many months of illness and pain immediately following CBS's ^{personal} attack on her, she decided to leave the tri-state area subject to CBS's Radio Signal because she was fearful of an escalation of personal attack on her and with the ^{re-lived daily} experience of absolutely being powerless to respond or defend herself in any respect, from any horror accusation anybody may dream up. In short, from a state of highly satisfactory and feverish activity she was paralyzed with terror and coerced into leaving New York for work in Detroit.

In Miami Herald Publishing Co. v. Tornillo, U. S. Supreme Court 1974, 418 U.S. 241, 94 S.Ct. 2831, 41 L.Ed 2d 730, Mr. Justice White in his concurring opinion said, "To me it is a near absurdity to so deprecate individual dignity.***** and to leave the people at the complete mercy of the press, at least in this stage of our history when the press, as the majority in this case so well documents, is steadily becoming more powerful and much less likely to be deterred * * * * .

Martell believes this Court cannot permit CBS to enjoy the fruits of its violations of rights, laws, regulations and of its journalistic negligence and whose acts irreparably and severely injured an unculpable, ordinary citizen as mentioned in prior paragraphs and therefore requests that the Court, in addition to the Relief sought by Martell, take such action against CBS as seems just.

STATUTES AND REGULATIONS

The relevant provisions and FCC regulations are set forth in the addendum to this Brief.

REFERENCES TO PARTIES

To the best of Martell's knowledge, there are no other parties to this litigation except those identified herein.

SUMMARY OF ARGUMENT

CBS's actions violated the Communications Act and the Commission's Rules and the Constitutional rights of Martell.

CBS's acts reasonably were foreseeable to cause grave injury to an ordinary citizen, who was intensely engaged in major rate cases and in defense of unreasonable increases in her own telephone rates, thereby interfering with her due process activities/proceedings.

Martell was refused any retraction of the Personal Attack, any opportunity for access to respond either timely or later and any transcript or summary of said Personal Attack.

Having failed to allow Martell any opportunity to have the merits of her case tried, Judge Owen failed to consider grave Federal and Constitutional questions and facts relevant to protecting the rights of an ordinary citizen whose Constitutional Rights this Court must also protect since the press is not the only group possessing rights guaranteed by the U. S. Constitution.

RELIEF REQUESTED OF THE COURT

Judge Owen's Memorandum/Order of November 18, 1976 must be vacated in the first instance because no valid proceedings were concluded with respect to Martell's Complaint and "Petition for Reconsideration" regarding flagrant violations of her Constitutional Rights and Federal laws. The substance of these Federal questions must be addressed in the interest of justice.

Crucial to a just resolution of the present controversy is the manner in which the Court exercises its supervisory powers over these proceedings. The absence of a full record here should alert the Court to the need for a more careful review on its part on this Appeal than is normally required.

"Careful scrutiny" in the instant case, and the relief which Martell needs here, require the Court to implement its equity powers to "adjust its relief to the exigencies of the case in accordance with the equitable principles governing judicial action."

In addition, Martell asks this Court to implement its full statutory appeal powers in order to achieve a just result which will be attended "not only with every element of fairness but with the very appearance of complete fairness."

Accordingly, Martell asks the Court to:

1. Make an assessment of "fault" in addition to imposing liability with such fault, for purposes of an award based on the Constitutionally

protected elements of personal humiliation, mental anguish over a long period of time, suffering, deprivation of private property, liberty of contracts, due process, etc.

2. Deter other corporations with Constitutional protections from exercising their awesome power in despotic manner and deter them from outrageous abuse and conduct which foreseeably would cause an ordinary citizen severe injuries without culpability.

3. Nothing in the Constitution (prevents) any prohibition against such a (fault) finding being made in the first instance by an appellate rather than a trial court. *Time Inc. v. Firestone*, S. Ct. 1974).

4. Furthermore, Martell requests a Declaratory Judgment together with an interlocutory judgment for costs of this appeal, together with all of the (36 L.Ed.2d 702) 93 S.Ct.1943,412 US 1 interlocutory costs pursuant to *Hall v. Cole*, U.S.N.Y.1973

Order CBS to produce and turn over to her the transcript of WCBS's Personal Attack upon her, plus such other relief for Martell, and sanctions against CBS as the Court may deem appropriate.

5. The Court is further respectfully requested to order that the entire proceedings before this Court including all papers, pleadings and oral arguments and any reports in the proceedings--be considered as a supplement to the record in this case.

#322282

Certificate of Service
I have today served Coudert Bros. via prepaid 1st Class Mail, Sept. 6, 1977

Ellie Martell

Ellie Martell Respectfully submitted,
ELLIE MARTELL (appearing pro-se)
6014 Adams St., W.N.Y., NJ 07093

FCC Rules

ating power which are required by the station's instrument of authorization.

(5) Adjustments of external control necessary to effect operation in accordance with a National Defense Emergency Authorization during an Emergency Action Condition.

It shall be the responsibility of the licensee to insure that the person who may be required to perform these tasks as well as to perform other duties (such as reading meters and making log entries), is properly instructed so as to be capable of performing the duties required of him at times when not under the immediate supervision of a radiotelephone first-class operator. Where necessary, printed step-by-step instructions shall be posted for those transmitter adjustments which the lesser grade operator is authorized to make. Should the transmitting apparatus be observed to be operating in any manner inconsistent with this subpart or the current instrument of authorization for the station at any time when an operator holding a valid radiotelephone first-class operator license is not immediately available and none of the above adjustments is effective in correcting the condition of improper operation, the emissions of the station shall be immediately terminated.

(c) If the routine operation of the transmitting apparatus at a standard broadcast station with power of 10 kw or less and non-directional antenna is performed by an operator other than a radio-telephone first-class operator pursuant to the provisions of paragraph (b) of this section, the licensee shall either employ one or more operations holding a valid radiotelephone first-class operator license as a full-time member of the station staff or, in the alternative contract in writing for the services on a part-time basis of one or more such operators. The radiotelephone first-class operator or operators shall perform transmitter maintenance and shall be promptly available at all times to correct conditions of improper operation beyond the scope of authority of the lesser grade operator on duty. If such services are on a contract part-time basis, a signed copy of the agreement shall be kept in the files of the station and at the transmitter or control point and shall be made available for inspection upon request by any authorized representative of the Commission. A signed copy of the agreement shall also be forwarded to the Commission and to the Engineer in Charge of the radio district in which the station is located within 3 days after the agreement is signed.

NOTE: During the period prior to April 19, 1964, the alternative of contracting in writing for the services of radiotelephone first-class operators on a part-time basis may not be followed unless the routine transmitter operation under the provisions of paragraph (b) of this section is performed by operators holding at least valid radiotelephone third-class operator permits which have been endorsed for broadcast station operation. Information concerning examinations for such operator permits is available to all applicants through the Commission's field offices.

(d) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations. Provided, however, that such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

(e) At all standard broadcast stations, a complete inspection of all transmitting equipment in use shall be made by an operator holding a valid radiotelephone first-class operator license at least once each day, 5 days each week, with an interval of not less than 12 hours between successive inspections. This inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation in conformance with the provisions of this subpart and the current instrument of authorization for the station.

In FM rules . . .

§73.265 Operator requirements.
[EDITOR'S NOTE: Substantially the same as §73.93.]

In TV rules . . .

§73.661 Operator requirements.—One or more operators holding a valid radiotelephone first class operator license shall be on duty at the place where the transmitting apparatus is located or at a remote control

point established pursuant to the provisions of §73.676, and in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in no wise impair or impede the required supervision of the television broadcast transmitter. If operation by remote control has not been authorized, the transmitter shall be readily accessible and clearly visible to the operator at his normal operating position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible and clearly visible to the operator at his normal operating position.

FACSIMILE

§73.266 Facsimile broadcasting and multiplex transmission.—(a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in §73.318 during periods not devoted to FM aural broadcasting. Such transmissions may not exceed one hour during the period between 7 a.m. and midnight (no limit for the hours between midnight and 7 a.m.) and may not be counted toward the minimum operation required by §73.261. The Commission shall be notified by the licensee of the FM broadcast station of its intent to transmit such facsimile.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile in accordance with transmission standards set forth in §73.318; provided that the transmission of such facsimile does not reduce the quality of aural programs simultaneously transmitted by the licensee below that required by the technical standards of this part and that no degradation of such aural programs will result from such facsimile transmissions when received on FM receivers not equipped with filter or other additional equipment.

PERSONAL ATTACK AND POLITICAL BROADCASTING

In AM rules . . .

§73.123 Personal attacks; political editorials.—(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this section shall not be applicable (i) to attacks on foreign groups or foreign public figures; (ii) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (iii) to bona fide news-casts, bona fide news interviews, and on-on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs, but the provisions of paragraph (a) shall be applicable to editorials of the licensee).

NOTE: The fairness doctrine is applicable to situations coming within (iii), above, and, in a specific factual situation, may be applicable in the general area of political broadcasts (ii), above. See, Section 315(a) of the Act, 47 USC §315(a); Public Notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 Fed. Reg. 10415. The categories listed in (iii) are the same as those specified in Section 315(a) of the Act.

(c) Where a licensee, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: provided, however, that where

such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity prepare a response and to present it in a timely fashion.

§73.125 Equal employment opportunities.—(a) General policy: Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or non-commercially operated standard, FM, television or international broadcast stations (as defined in this Part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, or national origin or sex.

(b) Equal employment opportunity program: Each station shall establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

(1) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(3) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin or sex, and solicit their recruitment assistance on a continuing basis.

(4) Conduct a continuing campaign to exclude every form of prejudice or discrimination based upon race, color, religion, national origin or sex, from the station's personnel policies and practices and working conditions.

(5) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the station.

In FM rules . . .

§73.300—[EDITOR'S NOTE: In substance, the same as §73.123 above].

§73.301—[EDITOR'S NOTE: In substance, the same as §73.125 above].

In TV rules . . .

§73.679—[In substance, the same as §73.123 above].

§73.680—[In substance, the same as §73.125 above].

NETWORK AFFILIATION

In AM rules . . .

§73.131 Exclusive affiliation of station.—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See Chapter VII, J of Report on Chain Broadcasting.)

§73.132 Territorial exclusivity.—No license shall be granted to a standard broadcast station having any contract arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary organization.

§73.133 Term of affiliation.—No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years; provided, that a contract, arrangement, or understanding for a period up to two years, may be entered into within six months prior to the commencement of such period.

on-the-spot-news, localized convention coverage, stringer service for stations and groups, open-end interviews, beeper-phone reports, air mail tape.)

Renters News Service. 1700 Broadway New York 10019. (212) 582-4030. Stuart Underhill, dep gen mgr; Alan Patterson, North American mgr; news and sls; Peter Holland. (Worldwide 24-hour news service tailored for North American subscribers. Head office, London.)

Sims News Bureau—130 Third St., S.E., Washington 20003. (202) 547-2616. Edward H. Sims, publisher; Jeffrey Lubar, Peter Miller, co-mgrs. (Voice reports for radio and written reports for newspapers.)

Soul News Network—635 C. Street, N.E., Washington, D.C. (202) 544-7487. Christopher C. Cutter, proj. dir. and national news editor. (Audio news service to ethnic oriented stations.)

Telenews (div of Hearst Metrotone News Inc.) New York prod office: 450 W. 56th St., New York 10019. (212) PLaza 7-4120. C. B. Stratton, exec VP and gen mgr; John Michon, chief of prod; Ted Troll, chief librarian. (Complete coverage and prod serv for news and documentary films.)

Trans-World News Service. Suite 898, National Press Building, 14th & F Sts., Washington 20004. (202) 737-1755. Duarte de Martinau, VP.

Services: Syndicated weekly columns on information and politics, entertainment, travel, women's activities etc. Special feature material for radio.

United Press International (including United Press International Newspictures and United Press International Television News Inc.) 220 E. 42nd St., New York 10017. (212) Murray Hill 2-0400. Mims Thomason, pres; R. W. Beaton, VP & gen mgr; Frank Tremaine, VP & bus mgr; Roger Tatarian, VP & ed; Leroy Keller, VP International div; Cliff McDowell, gen mgr, newspictures; Pete Willett, gen mgr, best svcs; Wayne Sargent, gen sls mgr; Burt Reinhardt, gen mgr, newsfilm; Tom Cunningham, radio-TV sls mgr; Kenneth Smith, dir adv and prom; R. J. Gregory, personnel mgr; James F. Darr, gen mgr of communications.

Atlanta: 1211 Williams St., N.W. 30302. (404) 875-7631. Rhea Eskew, southern div mgr.

Boston: 262 Washington St. 02102. (617) 227-4000 H. Calvin Thornton, northeast div mgr.

Chicago: 403 N. Michigan Ave. 60611. (312) 644-8320. Dale Johns, central div mgr.

Dallas: 1606 Patterson St. 75201. (214) 741-4085. William C. Payette, southwest div mgr.

Pittsburgh: 429 Forbes Ave. 15219. (412) 261-4033. Norman A. Cafarelli, eastern div mgr.

San Francisco: Fox Plaza, Market St. near Civic Center, 94102. (415) 626-6300. Richard A. Liffin, Pacific div mgr.

UPITN. 460 W. 54th St., New York 10019. (212) Murray Hill 2-0400. Burt Reinhardt, VP & gen mgr; Reese Schonfeld, dir of spec. servs.

Washington: 1017 New Jersey Ave., S.E. (202) 543-3113.

Chicago: 161 E. Grand Ave. (312) 644-8890. (Daily world wide news film service; com-

plete news and stock shot library; Educational and industrial documentaries and filmstrips.)

United Press International of Canada Ltd. Suite 432, Place Victoria, 800 Victoria Square, Montreal. 115 Que. (514) 866-9357. W. Donald Mackay, mgng dir & gen mgr for Canada; John Chartier, exec asst. & admin; (News, news-pictures, newsfilm, audio news network.)

U.S. Catholic Conference. 405 Lexington Ave., New York 10017. (212) 867-8469. Robert Beusse, director of communications.

U.S. Television Newsfilm Inc. 404 North LaCienega Blvd., Los Angeles 90048. (213) HOLlywood 9-7789. Clete Roberts, pres.

Vanguard News. 8 Winter St., Brattleboro, Vt. 05301. (802) 257-7131. Dave Calef, pres.

Washington Broadcast News. 1251 National Press Bldg., Washington 20005. (202) NATIONAL 8-7227. Kenneth Schelbel, bur mgr. (Congressional, government coverage on state, regional and local basis; radio-TV beeper reports, sound on film coverage on congressional delegations.)

World Wide Information Services—660 First Ave., New York 10016. (212) OREGON 9-7240. Richard W. Hubbell, pres; E. H. King, VP; Charles E. Coe, dir.

Washington: 1739 Connecticut Ave., N.W. 20009. (202) 483-7599. William M. Kent, VP.

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Top 100 Spot Radio Advertisers for 1970

Company/Product	Expenditure	Company/Product	Expenditure	Company/Product	Expenditure
1. General Motors Corp.	\$21,857,000	Afro-Cola	1,000	Budweiser	3,205,000
AC Oil Filters	67,000	Coke	8,045,000	Busch Bavarian	1,480,000
AC Spark Plugs	247,000	Fanta	122,000	Michelob	1,529,000
Buick Factory	1,575,000	Fresca	209,000	10. General Foods Corp.	5,263,000
Buick Dirs.	151,000	Hi-C	28,000	Burger Chef	313,000
Cadillac Factory	507,000	Kulana	44,000	Brim	5,000
Cadillac Dirs.	8,000	Santiba	19,000	Caffree	76,000
Chevrolet Factory	9,376,000	Simba	132,000	Chills & Thrills	92,000
Chevrolet Dirs.	466,000	Sprite	1,213,000	Danka Pastries	121,000
Delco-Remy Div.	266,000	Tab	209,000	Diet Test	1,000
Fisher Body Div.	4,000	Butternut Coffee	52,000	Frosty	17,000
Frigidaire Div.	336,000	Snow Crop	165,000	Fruit 'n Box	7,000
G.M.A.C.	28,000	6. Pepsico, Inc.	9,194,000	Ice Flow	19,000
G.M.C. Trucks	19,000	Diet Pepsi	1,220,000	Jello Gelatin	2,245,000
Guardian Maintenance	839,000	Golden Age	75,000	Jello Puddings	74,000
Harrison Radiator	7,000	Mountain Dew	373,000	Kool-Aid	1,000
Institutional	2,536,000	Pepsi	6,554,000	Maxim	50,000
Oldsmobile Factory	1,447,000	Teem	102,000	Maxwell House	784,000
Oldsmobile Dirs.	126,000	Fritos	33,000	Minute Rice	1,000
Pontiac Factory	3,367,000	Lay's Potato Chips	826,000	Open Pit Sauce	7,000
Pontiac Dirs.	200,000	Mrs. Cubbison's	11,000	Orange Plus	22,000
United Motors Serv.	285,000	7. Chrysler Corp.	8,696,000	Pizza Sticks	24,000
2. Sears Roebuck & Co.	12,600,000	AirTemp Div.	232,000	Rix Restaurants	36,000
Department Stores	12,600,000	Chrysler Factory	2,430,000	Sanka	9,000
3. Ford Motor Co.	10,757,000	Chrysler Dirs.	859,000	Tang	1,324,000
Autolite Div.	32,000	Dodge Factory	303,000	Tasti-Fries	1,000
Ford Factory	6,701,000	Dodge Dirs.	1,791,000	Thick 'n Frosty	24,000
Ford Dirs.	3,037,000	Dodge Trucks	1,000,000	11. American Tel. & Tel.	4,800,000
Ford Trucks	5,000	Plymouth Factory	931,000	Telephone Services	4,800,000
Institutional	208,000	Plymouth Dirs.	1,174,000	12. American Oil Co.	4,598,000
L/M Factory	495,000	Simca	15,000	Amoco Gas & Oil	3,058,000
L/M Dirs.	279,000	Institutional	956,000	Std. Gas & Oil	1,467,000
4. American Home Prod.	10,730,000	8. Colgate-Palmolive Co.	8,143,000	Heating Fuel	44,000
Aero Shave	7,000	Ajax	995,000	TBA	9,000
Aero Wax	15,000	At Once Wigs	6,000	13. R. J. Reynolds	4,304,000
Anacin	718,000	Axion	576,000	Camel	5,000
BiSoDol	127,000	Brisk	8,000	Chun King	1,000
Black Flag	18,000	Brite Side	851,000	Days Work	87,000
Brach's Candy	1,000	Burst	821,000	Embra	1,000
Chef Chili	103,000	CGL	20,000	Prince Albert	20,000
Denalan	2,000	Carpet Brite	24,000	Salem	1,914,000
Dristan	1,000	Cold Power	259,000	Tempo	9,000
Easy-Off	26,000	Colgate Dental Cream	2,000	Winston	2,267,000
Griffin Polish	238,000	Congestex	9,000	14. Sterling Drug	4,195,000
Heet	5,000	Deodril	16,000	Bayer	88,000
Luck's Food	10,000	Dermassage	652,000	Campho-Phenique	213,000
Neet	149,000	Fab	457,000	Cope	3,000
Noxon	11,000	Frontal 4	34,000	d-Con	1,138,000
Plastic Wood	22,000	Galaxy	62,000	Dr. Caldwell	1,000
Preparation H	9,032,000	Halo	1,000	Fizrin	73,000
Quiet World	44,000	Hyperphase	991,000	Fletchers Castoria	28,000
Sequence	4,000	Multi-Scree	7,000	Glissade	5,000
Snarol	41,000	Product X	28,000	Ironized Yeast	1,000
Sudden Action	18,000	Punch	316,000	Lysol	517,000
Sudden Beauty	53,000	Rapid Shave	44,000	Phillips Milk of Mag.	6,000
3-In-1 Oil	10,000	Swirl	23,000	pHisoHex	2,081,000
Wizard Air Freshner	29,000	Tackle	1,076,000	Stridex	41,000
Woolite	15,000	Ultra-Brite	860,000	15. American Airlines	3,672,000
Wyeth Div.	31,000	ZGO	5,000	Air Travel	3,672,000
5. Coca-Cola Co.	10,239,000	9. Anheuser-Busch	6,214,000	16. Wm. Wrigley Co.	3,462,000

See page B-3 for explanation of listings

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